

# EXHIBIT A

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT  
OF PENNSYLVANIA

\* \* \* \* \*

JOHN LEWIS \* Civil Action No.  
GERHOLT, SR., \* 2:13-CV-00007-  
Plaintiff \* KRG-KAP  
vs. \*  
DONALD ORR, JR., \* JURY TRIAL  
Warden, \* DEMANDED  
individually, \*  
Defendant \*

\* \* \* \* \*

DEPOSITION OF  
JOHN LEWIS GERHOLT, SR.  
April 16, 2014

COPY

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DEPOSITION  
OF

JOHN LEWIS GERHOLT, SR., taken on  
behalf of the Defendant herein,  
pursuant to the Rules of Civil  
Procedure, taken before me, the  
undersigned, Jennifer D. Crawford, a  
Court Reporter and Notary Public in  
and for the Commonwealth of  
Pennsylvania, at SCI-Graterford, Route  
29, Graterford, Pennsylvania, on  
Wednesday, April 16, 2014 beginning at  
10:22 a.m.

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A P P E A R A N C E S

JOHN LEWIS GERHOLT, SR., PRO SE

MICHAEL R. LETTRICH, ESQUIRE  
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I N D E X

WITNESS: JOHN LEWIS GERHOLT, SR.  
EXAMINATION

By Attorney Lettrich 7 - 75  
CERTIFICATE 76

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5

EXHIBIT PAGE

## PAGE

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>IDENTIFIED</u>
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6

OBJECTION PAGEATTORNEYPAGE

NONE MADE

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P R O C E E D I N G S

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JOHN LEWIS GERHOLT, SR., HAVING FIRST  
BEEN DULY SWORN, TESTIFIED AS FOLLOWS:  
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EXAMINATIONBY ATTORNEY LETTRICH:

Q. Good morning, Mr. Gerholt. My name is Mike Lettrich and I am an attorney for Warden Orr in this case. We met briefly before the deposition began, but I just wanted to explain for you a little bit about the process we're here for today. This is what's called a deposition. What that is is in a civil lawsuit, it's an opportunity for Defense Counsel to learn what you, as a Plaintiff, may know about your lawsuit, some of the facts and details of that, a little bit about your background and how you may be affected by any sort of injuries you may have today.

It's not an interrogation. If you need to use the restroom for any

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8

reason, you're certainly welcome to do that. I'm not going to try to trick you. If I ask a question and you don't understand it, please let me know and I'll be happy to rephrase it.

Similarly, I have a tendency to talk a little bit quickly. If you don't hear my question for any reason, just let me know and I'd be happy to restate it. So if you answer a question, I'm going to assume you both heard it and understood it; is that fair?

A. Yes.

Q. As you can see, we have a Court Reporter here. The Court Reporter is going to record the questions that I ask you and your responses. Some of the things we can do for the Court Reporter to make her job easier is, first, it's very difficult for a Court Reporter to record what's being said when two people are talking at the same time, so you may have a situation where you know where I'm going with

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9

1 the question. If you could, wait  
2 until I finish the question before you  
3 answer, that will help her out  
4 tremendously; okay?

5 A. Uh-huh (yes).

6 Q. And then similarly, it's  
7 difficult for a Court Reporter to take  
8 down any sort of non-verbal responses,  
9 such as nods of the head or when a  
10 person says uh-huh or uh-uh, so if you  
11 can try to keep your responses verbal,  
12 it will keep the transcript clean and  
13 it will make life easier for her;  
14 okay?

15 A. Yes.

16 Q. Mr. Gerholt, are you on any  
17 medications that would affect your  
18 ability to answer truthfully here  
19 today?

20 A. No, I don't feel so.

21 Q. Okay. Let's get down to it.  
22 All right. You were born in 1970; is  
23 that correct?

24 A. Yes.

25 Q. So you would be 43 years old at

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10

1 this point?

2 A. Yes, sir.

3 Q. Birthday in July?

4 A. Yes, sir.

5 Q. And you are how tall?

6 A. Six, two.

7 Q. And how much do you weigh, sir?

8 A. 200.

9 Q. We are here at SCI Graterford  
10 where I understand that you are  
11 serving a sentence for homicide; is  
12 that correct?

13 A. Yes, sir.

14 Q. And you are presently appealing  
15 that sentence?

16 A. Yes, sir.

17 Q. What is the status of your  
18 appeal on your homicide? You have a  
19 PCRA petition or anything like that  
20 going at this point?

21 A. Yes, PCRA petition.

22 Q. Is there any timetable that  
23 you're aware of? Is it before the  
24 Superior Court or the Supreme Court at  
25 this point?

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11

1 A. It's still in county.

2 Q. Still in county; okay. Have  
3 you heard any timetable for when that  
4 may be resolved?

5 A. No, sir.

6 Q. It's my understanding that you  
7 pled no contest to that in August of  
8 2012; is that correct?

9 A. August 21st, 2012, yes.

10 Q. And the alleged homicide was in  
11 2008; is that correct?

12 A. Yes.

13 Q. Have you had any other  
14 convictions in the last ten years?

15 A. No, sir.

16 Q. We are presently at SCI-  
17 Graterford and obviously you've been  
18 incarcerated here for some period of  
19 time and you spent some period of time  
20 in the Bedford County Jail. Have you  
21 ever been in any other correctional  
22 facilities as an inmate?

23 A. As far as county or are you  
24 talking state?

25 Q. Yeah, any kind of correctional

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12

1 facility.

2 A. I was in Huntingdon County Jail  
3 for little things, and then Bedford  
4 and then obviously here.

5 Q. When would you have been in the  
6 Huntingdon County Jail?

7 A. I can't rightfully say.

8 Q. Okay. That's actually another  
9 thing that I forgot to mention earlier  
10 is that this is not a memory test of  
11 some sort. Just because I ask you a  
12 question, it doesn't mean you're  
13 necessarily going to have an answer  
14 for it, so if the fair answer is that  
15 you don't know or you don't recall, I  
16 don't want you to guess or speculate  
17 for me, so don't feel obligated to  
18 answer a question just simply because  
19 I ask it; okay?

20 A. Okay.

21 Q. So you were in the Bedford  
22 County Jail between May and August of  
23 2012; is that correct?

24 A. Yeah, I was --- excuse me,  
25 November the 10th, the morning after,

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13

1 it was November 10th, 2008 to  
2 September the 11th, 2012, is the day I  
3 left Bedford County Jail.

4 Q. I see. So you were in the  
5 Bedford County Jail between November  
6 8th, 2008 and September 11th, 2010?

7 A. Yeah, I think it was the  
8 morning of the 9th or the 10th of  
9 November is when I got to Bedford Jail  
10 because November the 9th was during  
11 the afternoon when the alleged took  
12 place to put me in the Bedford Jail,  
13 so it was like 3:00 or 4:00 in the  
14 morning the following day when I got  
15 booked into Bedford, so it would have  
16 been November 10th.

17 Q. Thank you. You were in the  
18 Bedford County Jail as a pre-trial  
19 detainee; is that correct?

20 A. Yes.

21 Q. Was the situation that bail was  
22 set for you and you were unable to  
23 make bail or that bail was denied to  
24 you?

25 A. Bail was denied.

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14

1 Q. Donald Orr was the warden of  
2 the Bedford County Jail during the  
3 course of your incarceration; is that  
4 correct?

5 A. I got there when one of the  
6 wardens was retiring and then it went  
7 a little while before we got a warden,  
8 but Donald Orr was the warden at one  
9 point when I was there, yes.

10 Q. Do you recall what the --- let  
11 me rephrase that.

12 Do you recall what the name of  
13 the warden was when you first came to  
14 Bedford County Jail?

15 A. It's at the top of my head, but  
16 I can't think of his name. If I'd  
17 hear it, I'd know, but I can't think  
18 of it.

19 Q. Was Mr. Orr working at the jail  
20 in some other capacity when this other  
21 warden was in charge?

22 A. No. It's my understanding that  
23 I took from it that when the warden  
24 retired when I was there, that the  
25 deputy warden was, so to speak,

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1 holding the fort down and then  
2 sometime later, Donald Orr was hired  
3 to take the warden position.

4 Q. Do you recall when you first  
5 met Warden Orr?

6 A. I can't rightfully say as far  
7 as --- I mean, I was on some  
8 medication at the time and I just  
9 can't recall as far as when, exactly.

10 Q. When you mentioned that you  
11 were on medication, can you tell me  
12 what medication you were on?

13 A. Just some medication like to  
14 help me rest, you know, be able to  
15 rest.

16 Q. Was that the medication that  
17 was prescribed to you by the jail  
18 staff?

19 A. Yes.

20 Q. Do you recall what the name of  
21 that medication was?

22 A. No, I don't.

23 Q. Before you went to the Bedford  
24 County Jail, were you taking any sort  
25 of medication of that type, for

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16

1 example a sleep medication?

2 A. No, sir.

3 Q. Had you been taking any  
4 medications before you came into the  
5 Bedford County Jail?

6 A. Not that I recall.

7 Q. Before you came to the Bedford  
8 County Jail on or about November 10th,  
9 2008, did you have any problems with  
10 your neck?

11 A. No.

12 Q. Did you have any problem with  
13 your shoulders?

14 A. No.

15 Q. Did you have any problems with  
16 anxiety or depression?

17 A. No.

18 Q. I understand that this lawsuit  
19 involves an incident that occurred on  
20 May 15, 2012; is that correct?

21 A. Yes.

22 Q. Had you sustained any injuries  
23 in the Bedford County Jail between  
24 November 10, 2008 and May 15, 2012?

25 A. No.

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17

Q. Did you have any problems with headaches before May 15th, 2012?

A. No, sir.

Q. Okay. Let's focus on May 15th, 2012. Can you tell me what happened and what your lawsuit is about?

A. Well, it was on Tuesday, May the 15th, 2012. I was sleeping in my cell and the Defendant, Mr. Orr, came into my cell and started yelling at me to wake up and when I didn't respond quickly enough for him, he started getting really upset and mad, so before I awoken, during while I was awakening, he bends over and he puts his hand around my throat and starts to choke me and he's still screaming and hollering at me to wake up, wake up.

So once I awoken --- after I was awake, he still had me by the throat and he starts motioning, you know, puts me forward and backward rocking motion by my neck and my head is banging off the back of the bunk

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18

wall, off the concrete wall, and he's yelling at me and telling me that I was to stop writing the District Attorney in Bedford, as well as the Huntingdon State Police in regards to stolen property that was taken from my residence during my incarceration.

My cellmate was in there, Cory Divelbiss, and he witnessed all this going on and as Warden Orr was continuously hitting my head off the back of the --- where your head lays against the concrete, my celly tells him, you know, he yells at him and tells him stop that, you know, this ain't necessary, the man's not even awake. Warden Orr turns around and tells my celly, and I quote, told him get the fuck out of here. If you know what's good for you, go.

So with that tone of voice and anger, my celly decided he better get out of the cell because after all, it is a direct order from the Warden. So after that, after he gets done

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19

thrashing my head against the back of the wall, he tells me if I didn't stop all this retaliation with the District Attorney and the State Police by writing them letters and stuff, that he's see personally that I would spend the rest of my life in prison regardless if I was guilty or not and he said that, you know, that came from the District Attorney and him.

So Mr. Orr, after he was done doing all that, he left the cell. He left the cell and then it was probably like 15, 20 minutes later, the treatment specialist came in on the block and I told the treatment specialist what happened and, you know, he tells me, he says well, you're going to have to put a complaint in for it. He said, but I wouldn't put it in until after Mr. Orr leaves, because if he sees the complaint, he'll just throw it away.

So taking his advice, I filled out a proper request form indicating

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that I wanted to speak to Bedford State Police in regards to that. I sent it in, I got no response from that request. Later that afternoon, after Mr. Orr left, I seen the one nurse and told her what happened and she took me down to the office, gave me some ibuprofen or whatever it was; I don't know if it was Tylenol or whatever, for headaches and just told me that she would follow up on that.

So afterwards, the next day, I seen the treatment specialist again and I told him, you know, nothing's going on and that's when he told me, he said well, I heard what happened and I heard how you was asleep in your cell and he came in and did that to you. And then later on, I found out that the Warden was bragging about what he did to CO Baker, CO Leighty.

That's basically what happened as far as it went. I mean, he was just --- I mean, I've never seen him that mad, the Warden, he was extremely

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1 mad. That's basically what happened,  
2 give or take, you know, that's  
3 basically what happened.

4 Q. Sure. Let me ask you more  
5 specifics about that. The cell that  
6 you were in, do you recall which cell  
7 that was?

8 A. Yes, it was on C Block --- C  
9 Block, cell one, bottom bunk.

10 Q. Can you describe how that cell  
11 was laid out?

12 A. When you walk into the cell, as  
13 soon as you walk in, to the left is  
14 the toilet, go like a step or two  
15 more, to the right is the desk and  
16 then the bunk back against the wall.  
17 You got the bottom bunk, top bunk and  
18 then the window runs down behind both  
19 bunks.

20 Q. I see. And you were on the  
21 bottom bunk?

22 A. Bottom bunk, yeah, and there's  
23 a wall on each end, like where you lay  
24 your feet, there's concrete and where  
25 you lay your head is concrete.

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23

1 handicapped, so it's open more in the  
2 middle and the toilet --- as soon as  
3 you walk in, the toilet is right there  
4 and the wall was right there, so I'd  
5 probably say that's safe to say as far  
6 as my recollection goes.

7 Q. Okay. It's safe to say that  
8 you could touch both walls or could  
9 not touch both walls?

10 A. I would say if there was any  
11 point in that cell, that'd be the only  
12 place you'd be able to touch both  
13 walls with your arms extended, but  
14 then once you go in, you don't have  
15 the toilet there no more, then the  
16 cell opened up more.

17 Q. I see. So this was like a  
18 handicapped accessible cell?

19 A. Yes, it was.

20 Q. And you say your cellmate's  
21 name was Divelbiss.

22 A. Divelbiss (corrects  
23 pronunciation).

24 Q. Divelbiss. Do you know how to  
25 spell that?

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22

1 Q. So what would be your best  
2 estimate of the dimensions of the  
3 cell?

4 A. How big it is?

5 Q. Yes.

6 A. It's hard to say. As far as  
7 feet-wise, I don't know.

8 Q. Well, best ---.

9 A. Probably eight by ten,  
10 something like that.

11 Q. Eight by ten; okay.

12 A. Give or take. I mean, I'm  
13 just ---.

14 Q. Approximately, I understand  
15 that. So if you were standing up by  
16 the bars to your cell ---

17 A. Right.

18 Q. --- and you're facing the bars,  
19 you put your arms out to either side,  
20 would it be possible to touch both  
21 walls, or is it a little bit bigger  
22 than that?

23 A. I would probably it would be  
24 safe to say that, because when you  
25 come in, like I said, it's a

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24

1 A. Yes, I do. It's

2 D-I-V-E-L-B-I-S-S.

3 Q. His first name was what?

4 A. Cory, C-O-R-Y.

5 Q. Did you know Mr. Divelbiss ---  
6 excuse me --- Divelbiss (changes  
7 pronunciation) before you were his  
8 cellmate at the Bedford County Jail?

9 A. No, sir.

10 Q. Have you spoken with Mr.  
11 Divelbiss since you left the Bedford  
12 County Jail?

13 A. No, sir.

14 Q. Do you have any written  
15 statements from him or correspondence  
16 or anything of that nature?

17 A. Yes, I do.

18 Q. What kind of correspondence do  
19 you have or statements?

20 A. I have what he witnessed.

21 Q. Is it sort of like a written  
22 paragraph type ---?

23 A. Written up.

24 Q. Okay. What time of day did  
25 this incident occur?

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1 A. I'm not sure. It was either  
2 before lunch or after lunch. It was  
3 right around in that area.

4 Q. Fair enough. And where was Mr.  
5 Divelbiss --- am I saying it,  
6 Divelbiss; is that correct?

7 A. Divelbiss (corrects  
8 pronunciation).

9 Q. Divelbiss. Where was he  
10 whenever the Warden was putting his  
11 hands on you?

12 A. The desk is up against the  
13 right of the wall, so he was standing  
14 like --- if that was the desk, he was  
15 standing right here at the end of the  
16 desk, so I mean, he was looking right  
17 at it.

18 Q. When Warden Orr came to the  
19 cell, was he accompanied by any other  
20 correctional officers or other  
21 correctional people?

22 A. No, sir.

23 Q. Do you know why he was coming  
24 to your cell that day?

25 A. Assume to tell me to quit

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26

1 writing the Bedford District Attorney  
2 and the Huntingdon State Police  
3 Barracks and then he told me, like I  
4 said, he told me that, you know, he  
5 would see that I would do life  
6 regardless if I was innocent or not  
7 and that the District Attorney would,  
8 too. So I assumed that the District  
9 Attorney might have had a little bit  
10 of something to do with it, come in  
11 there and get his point across.

12 Q. So you were writing the  
13 District Attorney's Office and the  
14 State Police Barracks at Huntingdon?

15 A. Yes.

16 Q. And this is regarding some sort  
17 of stolen property at your home?

18 A. Yes.

19 Q. Can you tell me about that?  
20 What was happening?

21 A. I was told by a friend of mine  
22 that my father-in-law was down at my  
23 house and was emptying it out after my  
24 incarceration. He took whatever he  
25 could haul, so I was trying to write

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1 --- I wrote the District Attorney to  
2 see, you know, what he was going to do  
3 about this because I'm being held and  
4 I wanted to know where my stuff was,  
5 obviously, and he didn't respond and  
6 then I wrote Huntingdon State Police  
7 because that would have been our  
8 police barracks where I lived and they  
9 never responded, either.

10 Q. So when you say Huntingdon  
11 State Police, you mean the  
12 Pennsylvania State Police Huntingdon  
13 Barracks; is that correct?

14 A. Yes.

15 Q. Okay. Did anything ever come  
16 of this incident with your father-in-  
17 law taking things from your home?

18 A. No.

19 Q. Had you had any problem with  
20 Warden Orr before that day?

21 A. No.

22 Q. Do you have any reason to  
23 believe that Warden Orr had some kind  
24 of connection either to your ex-wife  
25 or your father-in-law?

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28

1 A. You mean my wife?

2 Q. Excuse me, wife. My mistake.

3 A. Not that I would --- not that I  
4 know.

5 Q. Do you know how Warden Orr  
6 might have known that you were writing  
7 to the State Police or the District  
8 Attorney?

9 A. Yeah, by the District Attorney.

10 Q. So the District Attorney told  
11 Warden Orr that you were writing the  
12 District Attorney and to tell you to  
13 stop?

14 A. Yes.

15 Q. Was this the same District  
16 Attorney that was, at that time,  
17 prosecuting you for the homicide?

18 A. Yes.

19 Q. That was District Attorney ---  
20 Bill Higgins.

21 Q. --- Higgins. The homicide  
22 prosecution, was it being handled by  
23 the DA, himself, or did he have an  
24 assistant district attorney working  
25 for him?

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29

1 A. It was him.  
 2 Q. Okay. You just told me earlier  
 3 that about 15 or 20 --- well, let me  
 4 back up for a moment first. So you  
 5 were asleep and the Warden was yelling  
 6 for you to get up and then was poking  
 7 you in the chest?  
 8 A. Yes.  
 9 Q. Were you laying down when this  
 10 poking was going on?  
 11 A. Yes, yes.  
 12 Q. Where was he poking you? Where  
 13 on your body?  
 14 A. Right in the throat, like.  
 15 Q. Sort of the sternum?  
 16 A. Yes.  
 17 Q. This side of the chest?  
 18 A. Yes.  
 19 Q. How long was that poking taking  
 20 place, do you think?  
 21 A. I don't know, probably a dozen  
 22 times, anyhow, he was poking me. I'd  
 23 say at least a dozen times.  
 24 Q. Was he saying anything to you  
 25 whenever he was poking your chest?

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31

1 amount. I know it seemed like a lot,  
 2 you know, but I'm not sure as far as a  
 3 number. Many times.  
 4 Q. How long do you think those  
 5 whole --- let's call it an incident  
 6 --- between you and Warden Orr lasted?  
 7 A. Like I said, I was half asleep  
 8 whenever he started, you know, poking  
 9 me in the chest so again, I'm not even  
 10 sure on how long, you know. I was  
 11 half asleep and then when I came to,  
 12 he was still doing what he did, so I'm  
 13 not really sure. Sometimes when bad  
 14 things happen, it seems like it's  
 15 longer than what it is and you know,  
 16 I'm not really sure.  
 17 Q. Sure. So after the incident  
 18 ended, then the Warden left?  
 19 A. Yes.  
 20 Q. And Cory had left before that?  
 21 A. Cory just stepped outside the  
 22 cell. He didn't really go nowhere.  
 23 He stepped outside the cell, but he  
 24 could still see in there.  
 25 Q. After the Warden left, what

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30

1 A. Yeah, he was telling me to wake  
 2 up.  
 3 Q. And then I think you said he  
 4 grabbed you by the throat?  
 5 A. Right.  
 6 Q. That was when you were laying  
 7 down, too?  
 8 A. Yes.  
 9 Q. Were you on your back at that  
 10 time or on your side?  
 11 A. Yes, I was on my back.  
 12 Q. Okay. And then he started to  
 13 bang your head?  
 14 A. Uh-huh (yes).  
 15 Q. Okay. He was banging your head  
 16 off of what?  
 17 A. The concrete wall that was  
 18 right behind the bunk. As soon as you  
 19 walk into the cell, it's up against  
 20 the concrete and then there's concrete  
 21 at both ends.  
 22 Q. How many times, if you know, do  
 23 you think your head bounced up against  
 24 the concrete wall?  
 25 A. I'm not sure. I'm not sure the

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32

1 happened next? Did Cory come back in?  
 2 A. Yeah, he come back in. He just  
 3 said, you know, man, that's bullshit,  
 4 he said, him doing that to you. He  
 5 said you didn't even do nothing to  
 6 him, you were sleeping, he said, you  
 7 know, I was standing right there and  
 8 you didn't provoke it or say anything.  
 9 He said you didn't say a word to him  
 10 regardless when he started or ended.  
 11 So yeah, he seen it all.  
 12 Q. Do you recall saying anything  
 13 to Cory?  
 14 A. I just told him that, you know,  
 15 like whenever something hits you or  
 16 whatever, you see stars, you know.  
 17 I'm sitting there talking to --- I sat  
 18 down on the bed after I sat up and I  
 19 was seeing like stars and like  
 20 lightheaded and Cory said yeah, he  
 21 said, I seen him pounding your head  
 22 against the wall. I said yeah, I said  
 23 I don't know what the heck that was  
 24 all about and then I sat there for a  
 25 couple minutes. I said he was saying

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33

1 something about not writing the DA or  
2 the police station no more. Cory said  
3 yeah, he was just going off and I said  
4 yeah, I know.

5 Q. And 15 or 20 minutes later, the  
6 treatment specialist came by to see  
7 you?

8 A. No, I seen him coming down the  
9 corridor, the walkway, and I motioned  
10 for him to come in. I wanted to speak  
11 to him about the incident and that's  
12 when he came into the block and seen  
13 me.

14 Q. What's the treatment  
15 specialist's name, if you recall?

16 A. Mr. Downy.

17 Q. Downy; okay. What did Mr.  
18 Downy --- what was his job function  
19 there as a treatment specialist? What  
20 types of things would he do?

21 A. I'm assuming that it was like  
22 treating you for dependencies and  
23 things or trying to get you prepared  
24 to go back out on the street or, you  
25 know, I'm not real clear on exactly

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34

1 what his position was.

2 Q. Had you had any interaction  
3 with Mr. Downy before that day?

4 A. As far as like a ---?

5 Q. Well, for example, was he  
6 giving you any sort of treatments or  
7 counseling or anything of that nature?

8 A. No, no, we just talked like in  
9 passing or if he come on the block,  
10 you know, we'd say hello to each other  
11 and stuff like that, but, no.

12 Q. Now, speaking of which, when  
13 you would receive your medicine to  
14 help you rest, how were meds passed  
15 out there in the Bedford County Jail?

16 A. The nurse comes to the block  
17 and where the slider door is where  
18 they come in and off the block, the  
19 doors close and there's a lid that  
20 they unlock and the lid folds down and  
21 then you stand in line for your  
22 medication and they hand it through a  
23 little compartment door to you.

24 Q. Is that a nurse that hands it  
25 to you?

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35

1 A. Yes.

2 Q. How often do you take this  
3 medication?

4 A. I know it was at nighttime for  
5 sure. I don't know because I had ones  
6 before in the middle of the afternoon,  
7 late afternoon and then at night, so I  
8 think it was just at nighttime at that  
9 time.

10 Q. So just one time a day?

11 A. Yeah, I'm pretty sure.

12 Q. And they'll give you, I guess,  
13 I assume, one dose of the medicine?

14 A. Yes.

15 Q. Was it in a pill form or liquid  
16 or ---?

17 A. Pill form.

18 Q. Pill form. And that rest  
19 medication was the only thing you were  
20 taking at that time?

21 A. As far as I know, because I  
22 tried to get some medical records so I  
23 would know for sure. So I'm going to  
24 say that I assume it was, but I'm not  
25 100 percent sure.

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36

1 Q. You actually reminded me. Mr.  
2 Gerholt, I brought you two  
3 authorizations. What these things are  
4 for is so we're able to get your  
5 medical records. I'll receive them,  
6 we're on record here, and I'll give  
7 you copies of everything that I  
8 receive. So if you could sign the  
9 authorizations, I will get the records  
10 where you'll be able to see.

11 A. Well, how about if I try to get  
12 them first, that way ---? Because  
13 right now, as it stands, I'm trying to  
14 get representation for this case.

15 Q. Uh-huh (yes).

16 A. So I would sooner me try to get  
17 them first and then ---.

18 Q. I understand that, however your  
19 medical condition is at issue. I  
20 understand you're alleging now that as  
21 a result of this, you're having  
22 headaches and problems with your neck  
23 and other ---.

24 A. I mean, if it's mandatory, I'll  
25 sign it.

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37

1 Q. It is mandatory, so ---.

2 A. Okay. That's what I was  
3 saying. I mean, if it's mandatory,  
4 I'll sign it.

5 Q. I appreciate that.

6 A. You know, if you're saying that  
7 I have to, regardless, then I'll sign  
8 it.

9 Q. Sure. And when I get copies, I  
10 will have a copy made for you and I'll  
11 give you a copy of everything that I  
12 receive.

13 A. So you're saying since this is  
14 part of the case, then I have no  
15 choice, I have to sign it?

16 Q. Yeah, it's discoverable because  
17 you placed your medical condition at  
18 issue.

19 A. Okay. I'm just making sure.

20 Q. Sure. Thank you. And for the  
21 record, I handed Mr. Gerholt a copy of  
22 two authorizations which he signed.  
23 Thank you.

24 So from your complaint, it  
25 appears that Prime Care Medical is the

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38

1 healthcare provider at the Bedford  
2 County Jail at that time?

3 A. Yes.

4 Q. Did you speak with any of the  
5 nurses or physicians there about any  
6 injuries you may have sustained in  
7 this incident?

8 A. Yes, I did.

9 Q. Can you tell me about that,  
10 please?

11 A. I just went down to their  
12 office, like I said previously, and  
13 said a little bit in brief about what  
14 happened and they gave me some pain  
15 medicine because I was having a  
16 headache then and told me to just  
17 follow it up and I told them, you  
18 know, like I said, what happened and  
19 they said they'd just follow-up on it.  
20 That was basically it.

21 Q. How did they follow-up with it?

22 A. Give me some more pain  
23 medicine, some Tylenol or ibuprofen or  
24 whatever it was. Like I said, there  
25 was --- a lot of the employees there

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39

1 are scared of Mr. Orr. A lot of  
2 employees lost their jobs, a lot of  
3 employees were fearful they was going  
4 to lose their jobs and I mean, you  
5 know, he fired a lot of people. A lot  
6 of people were afraid to go against  
7 him for fear of losing their job.

8 Q. Did any of the nurses or Prime  
9 Care doctors tell you that they  
10 weren't going to treat you because  
11 they were afraid of Mr. Orr?

12 A. No, they didn't say they was  
13 and they didn't say they wasn't, you  
14 know. They just gave me some pain  
15 medicine, you know, for headaches and  
16 stuff and left it go at that. I mean,  
17 obviously, they thought that they  
18 couldn't do nothing other than that,  
19 you know, for the incident.

20 Q. Do you recall whether or not  
21 the Bedford County Jail had a Prime  
22 Care physician that was at the jail  
23 let's say on staff, there on a regular  
24 basis?

25 A. They had nurses there. I don't

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40

1 know --- I mean, they was there that  
2 day, but I don't know what their  
3 schedule was, if they have around the  
4 clock, you know, or specifically who's  
5 on call or something like that there,  
6 but it was just the same nurses that  
7 you see on a daily basis.

8 Q. Do you recall any of those  
9 nurses' names?

10 A. One was Nurse Kim, Nurse  
11 Michelle. I don't know if anybody  
12 else was there that day or not, but I  
13 mean, them was the two nurses that's  
14 regularly there, so ---.

15 Q. Were you ever sent to a  
16 hospital for any sort of evaluation of  
17 your injuries that you might sustain  
18 during this incident?

19 A. No. They don't like sending  
20 you nowhere.

21 Q. What about after you --- well,  
22 my understanding is that your first  
23 stop after leaving the Bedford County  
24 Jail was SCI Camp Hill?

25 A. Yes.

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41

Q. When you went to SCI Camp Hill, they gave you a medical evaluation, right?

A. Yes.

Q. Did they give you any sort of testing of any kind for any injuries you might have sustained during this incident?

A. I mentioned it to them and they said that they have a regular test and stuff that they do automatically, a medical evaluation, because you're on R block and you got like your automatic medical lockdown, but I had mentioned it to them in brief what happened previously.

Q. Did they give you any sort of x-rays or MRIs or anything of that nature to check your neck or shoulders?

A. I think they gave everybody --- is it the MRI that they put the little sticky cups on you and plug you in or something like that?

Q. I'm not a doctor, but I believe

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43

in the medical records.

Q. Okay. And when you say pain medicine, you told us earlier about ibuprofen and Tylenol and that type of thing. Is that what you mean or is there some sort of stronger medication?

A. No, I'm assuming, again, that that's all they give me because, you know, they was giving me different medications to fluctuate and try to figure the best policy, I'm assuming, so I'm not real sure on the medicine steps that we've come to today.

Q. And that will probably be clear in the medical records so I guess we'll see what they have in there.

Okay. You were telling us earlier that after the incident, Mr. Downy told you that you should write a complaint, but that you should wait until Mr. Orr left?

A. Right.

Q. Okay. And the complaint, as I understand it, you wanted to speak

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42

that's called an EKG.

A. Okay. I know they did that, but again, I'm not sure what all they did. I'm assuming it would be in the medical records.

Q. Okay. Are you getting any sort of medical treatment for any injuries you sustained there during this incident here at Graterford?

A. Yes.

Q. What type of treatments are you getting?

A. I had a head x-ray because I still have a sore spot on my head, it's sore to the touch, and I don't know what it is. I've had a couple of different x-rays. I'm seeing the --- again, I'm not a doctor, either --- someone that does psych evaluations on you and stuff, like a trauma thing. I see them and just various things. I mean, I'm still taking, you know, pain meds and whatnot to this day, so I'm still treating up on it, but as far as when or how much or whatever would be

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44

with the State Police?

A. Yes.

Q. Okay. How did you go about requesting seeing the State Police? For example, was that a request slip or a grievance for something like this?

A. It was a written request slip. I'm not sure what the, you know, number of the request is, but they make them ready and available and I filled it out for the shift commander.

Q. In your complaint, you mention a Lieutenant Clipper. Is that the shift commander?

A. Clapper.

Q. Clapper, C-L-A-P-P-E-R?

A. I think it's C-L-A-P-P-E-R; Clapper.

Q. So the request slips were readily available on the block?

A. Yes.

Q. And you filled one out asking to speak with the State Police?

A. Yes.

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46

Q. Did you and Lieutenant Clapper speak about the incident any other times? If you recall.

A. I don't recall. Now that I think of it, I did put that in the box because the Lieutenant wouldn't hand take it, he said it had to be put in the box.

Q. Okay. I think you mentioned earlier that nothing came of putting that request up?

A. I didn't hear nothing until around October 15th when I was at SCI Camp Hill and a trooper came to see me in regards to that, but that was, like I said, in or around October 15th. That was after I got out of the County Jail.

Q. When you left the County Jail and you went to SCI Camp Hill, did you make any requests at Camp Hill asking to see the State Police about the incident?

A. Well, they wouldn't let us see nobody, until we was done being

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47

medically cleared, so I mean, we wasn't allowed to use the phone, we didn't have an ID number to write anybody, so everything, according to the unit manager that was on R block, you know, you got to wait until you get medically cleared and moved on another block before you can do anything.

Q. I see. Do you believe that --- and I guess you wouldn't know this, but I'm just asking about your belief --- the reason that the State Police came to see you in October of 2012 was a result of filing the request slip earlier that year asking to see the police about the incident?

A. Yeah, it was in regards to it. Yes.

Q. Okay. We'll get to that, I guess, in a couple of minutes. Let's stay focused on while you were still at the Bedford County Jail. Did you have any other interactions with Warden Orr from May 15th, 2012 until

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48

you left in ---?

A. As far as confrontations?

Q. Conversations, confrontations, any sort of interaction with him whatsoever?

A. No, he wasn't a conversation person.

Q. I see.

A. He was always on a mission in his mind. It was best just to stay out of his path.

Q. What was the grievance process at the Bedford County Jail?

A. You just fill out a grievance, you send it in and you wait until they feel like responding back. If they don't, it just mysteriously disappears and they send it back and tell you, you know, what their plans of doing whatever it is to answer the grievance.

Q. Okay. When a person who's an inmate files a grievance, who hears the grievances?

A. I was always under the

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49

impression that the Warden did.

Q. I see. Did you file a grievance about Warden Orr while you were at the Bedford County Jail?

A. In regards to this?

Q. Yes.

A. No, because just like I said, I assumed that the Warden answered them and it would just be a waste of time, he'd just throw it away.

Q. I understand. Do you remember --- going back to the date of the incident, May 15, 2012, do you recall if there were any correctional officers who were on the block whenever the incident between you and the Warden was taking place?

A. No, he was on there by himself.

Q. Other than with --- well, again, just to be clear, I'm focusing on the incident that was on May 15, 2012 and you left the jail on August 21, 2012?

A. I left the jail on September 11th of 2012.

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50

1 Q. Thank you for that correction.  
 2 During that period of time, did you  
 3 discuss the incident with any  
 4 correctional officers or officials  
 5 other than Mr. Downy and Mr. Clapper?  
 6 A. CO Baker and CO Leighty came to  
 7 me when I was out in the booking area  
 8 changing out --- when you go places,  
 9 like if you go to church, some of them  
 10 get picked to come back and change  
 11 out, you know, just various things,  
 12 and they both told me that he was ---  
 13 that Mr. Orr was bragging up how he  
 14 set me straight.

15 Q. Baker is B-A-K-E-R?

16 A. Yes.

17 Q. And Leighty appears to be  
 18 L-E-I-G-H-T-Y.

19 A. I'm not positive on that.

20 Q. Okay. Did Officer Baker or  
 21 Officer Leighty tell you anything else  
 22 about the incident?

23 A. They just told me that he was  
 24 bragging about how he supposedly set  
 25 me straight.

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51

1 Q. Did you discuss the incident  
 2 with Baker and Leighty at the same  
 3 time?

4 A. No.

5 Q. Different times?

6 A. Yes.

7 Q. This was close in time after  
 8 the incident?

9 A. Yes.

10 Q. Would you say within the same  
 11 week or maybe later than that?

12 A. I'm not sure.

13 Q. Had you witnessed Warden Orr  
 14 being violent with any other inmates?

15 A. He hollered and screamed at a  
 16 lot of people, you know, just wanted  
 17 to put out there that intimidation  
 18 that, you know, I'm the Warden, nobody  
 19 messes with me or there will be strict  
 20 consequences. Like I said, we heard  
 21 about him firing many of the COs, a  
 22 lot of them was women, and the COs  
 23 that was still working there was  
 24 scared to say anything about him for  
 25 fear they'd lose their job. He was

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52

1 running wild there for a while.

2 Q. So he would yell at people, but  
 3 you didn't see any other physical  
 4 violence with anyone?

5 A. No, just verbal.

6 Q. Had any of the other inmates  
 7 told you that he had been physically  
 8 violent with them?

9 A. Not that I recall.

10 Q. Let's talk for a moment about  
 11 the State Police investigation. I  
 12 think from your complaint, it said  
 13 that occurred in October of 2012?

14 A. Yes.

15 Q. Would you have been in Camp  
 16 Hill at that time?

17 A. Yes.

18 Q. Okay. Tell me what you  
 19 remember from that State Police  
 20 investigation.

21 A. I was given a pass. I was on,  
 22 I believe it was A block and was told  
 23 to go down where they do the DNA test  
 24 and I went down there and Trooper  
 25 Jeremy Matas, I believe it was, from

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53

1 the State Police out of Carlisle, he  
 2 come and just in brief asked me about  
 3 the assault and we talked briefly and  
 4 he told me it was an ongoing  
 5 investigation and that he would be in  
 6 contact with me at some point in time  
 7 and that was basically it. He left  
 8 and I never heard nothing from him  
 9 since.

10 Q. Have you talked to any other  
 11 State Police Troopers or Officials  
 12 about the incident?

13 A. Outside of Bedford Jail?

14 Q. Yes.

15 A. No, the only people I talked  
 16 about was like the medical at Camp  
 17 Hill and medical here and doctors  
 18 here.

19 Q. Do you know if this  
 20 investigation that Trooper --- is it  
 21 Matas?

22 A. Matas, as far as I can see.

23 Q. Okay. It looked like it was,  
 24 M-A-T-A-S, in your complaint?

25 A. Yes.

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54

Q. Do you know if Trooper Matas' investigation is still ongoing?

A. I have no idea.

Q. But you haven't spoken to Trooper Matas again since then?

A. No, just before he left, he just said it was an ongoing investigation.

Q. Did you have to give any sort of written statement, recorded statement of some type to Trooper Matas?

A. No.

Q. It was all sort of oral report?

A. Yes.

OFF RECORD DISCUSSION

BY ATTORNEY LETTRICH:

Q. Do the inmates raise food here at Graterford? Is there a farm?

A. I don't think.

Q. No? I was under the impression that there was, but I could be mistaken.

A. Right. I think years ago, there was, but I'm not sure if they

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55

have that going on now or not.

Q. I see. Okay. So going back to the incident, you said that Warden Orr told you that if you didn't stop writing the DA and the State Police, that he and the District Attorney would make sure that you spent the rest of your life in prison, whether or not you were guilty?

A. Yes.

Q. Do you believe or do you have any information that there's any sort of relationship between DA Higgins and Warden Orr? For example, are they friends or why do you think ---?

A. At that time, they were.

Q. Okay.

A. At that time, they were, you know. I guess Higgins would be his boss so to speak, you know, and Mr. Downy even told me. He said you know, them two are thick, you know. They've been buddy/buddy since he worked for him and stuff, so I just assumed that they were.

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56

Q. Do you think that that's why Warden Orr made that statement?

A. I'd say that's a strong yes, you know what I mean? I would say that that was definitely the deciding factor as far as him coming in there after me.

Q. Okay. And you never had a problem with Warden Orr before that day; is that correct?

A. No, sir.

Q. So isolated to one day, May 15, 2012?

A. As far as him retaliating on me?

Q. Yes.

A. Yes.

Q. What about District Attorney Higgins? Other than the fact that he was prosecuting you, did you and he have any problems with one another? Like for example, did you feel like he had it out for you in some respect?

A. I'd say yes. He badgered me from day one in the media, so yeah, he

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57

wasn't open for any discussions of --- you know, at that point in time, he could care less of exactly what happened at either place, you know, where the alleged crime took place outside the prison and then until the day Mr. Orr attacked me. He was continuously battering me.

Q. When you say the alleged crime outside of prison, you're referring to the incident with your father-in-law and the property at your home?

A. I would say that and the criminal charges that were filed against me.

Q. The prosecution you were facing at that time?

A. Yes.

Q. I'm bouncing around here a little bit and I apologize for that, but going back to the incident. You said that your cellmate, Cory, witnessed the incident and that there wasn't anybody else with Warden Orr. Do you know if anybody else witnessed

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58

1 this accident? For example, do you  
2 know of any other, perhaps, inmates or  
3 anybody else that might have been  
4 nearby or anything of that nature?

5 A. There was other inmates, but I  
6 don't recall who they were, said that  
7 they heard the commotion that was  
8 going on and how he was down there  
9 screaming and hollering at me.

10 Q. Okay. According to your  
11 complaint, you wrote a letter on May  
12 18, 2012 to the County Commissioners  
13 about the incident?

14 A. Yes.

15 Q. Okay. Can you tell me a little  
16 bit about that?

17 A. Well, I wasn't getting nowhere  
18 inside the prison as far as trying to  
19 talk to State Police or, you know, so  
20 I wrote to the Bedford County  
21 Commissioners and they didn't even  
22 bother to write me back one way or the  
23 other. They didn't reply.

24 Q. Do you still have a copy of  
25 that May 18th letter?

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59

1 A. I wouldn't bet my life on it,  
2 but I may have it. If I don't, my  
3 mother-in-law would, because when I  
4 left the prison, I had to pack my  
5 stuff up and have someone come pick it  
6 up because you ain't allowed to take  
7 so much stuff to Camp Hill with you.  
8 I'm pretty sure, though, I could find  
9 it.

10 Q. So you have a statement from  
11 your cellmate, Cory, about what  
12 happened, you may have a copy of this  
13 May 18, 2012 letter with your mother-  
14 in-law.

15 A. Yes.

16 Q. Do you have any other sort of  
17 records or documents about this  
18 incident or about any injuries  
19 sustained during the incident, other  
20 than those two things?

21 A. I have written diaries that I  
22 was keeping of events that was going  
23 on throughout the jail and stuff like  
24 with me, you know, if I went to court,  
25 if I seen my attorney that day, you

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60

1 know, if I seen a fight on the block,  
2 I'd log it in and stuff. So I have  
3 daily diaries, you know, I can  
4 reference, too.

5 Q. Are those also with your  
6 mother-in-law?

7 A. If I don't have them, she does.

8 Q. All right. From reading your  
9 complaint, you indicated that you  
10 pleaded no contest on August 21, 2012  
11 and I believe you said that you were  
12 forced into signing it by District  
13 Attorney Higgins and your court  
14 appointed attorneys.

15 A. Yes.

16 Q. Can you explain what you meant  
17 by that?

18 A. Well, my attorneys told me that  
19 if I took my case to trial, that Judge  
20 Ling, he was the --- he's a judge in  
21 the same courthouse, but he handled  
22 --- he was like family court at that  
23 time, that he told them that if I took  
24 my case to trial, that he'd personally  
25 see that I'd never get to see my

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61

1 children again, my youngest children  
2 and also if my mother-in-law took the  
3 stand on my defense, that he would see  
4 personally that she wouldn't get to  
5 see her grandchildren again either and  
6 as of today, that's true. However,  
7 even though I took the no contest  
8 plea, he didn't make good on his. And  
9 my attorney, my lead attorney promised  
10 to do my custody case for me. He  
11 promised to do a civil action quiet  
12 title case for me and there was a  
13 couple other things, as well as him  
14 telling me personally that we couldn't  
15 win the case. So I mean, I had no  
16 confidence in him at all at that point  
17 when he told me, you know, we do not  
18 have a chance of winning this case.

19 That's whenever I was in there  
20 and Mr. Higgins come in. I told him,  
21 I said, you know, this wasn't  
22 intentional. This was an accident and  
23 he said I don't care one way or the  
24 other, you know, he was just out for a  
25 conviction. So they came up with the

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62

1 no contest plea. It's not pleading  
2 guilty, it's not say you ain't guilty  
3 and so that's how that was. Mr.  
4 Higgins said that he would do his  
5 damndest to ruin my son's military  
6 career, even if he had to drag him  
7 back from out of state to testify in a  
8 homicide case.

9 So it was kind of like  
10 everything was weighing on me and my  
11 attorney, you know, was bailing out on  
12 me to save his reputation and whatnot,  
13 so that's the gist of it, you know.

14 Q. Who was your court-appointed  
15 attorney at that time.

16 A. It was Attorney Dickey and  
17 Attorney Beyer.

18 Q. I assume that these two  
19 attorneys are not representing you in  
20 your PCRA petition?

21 A. No, I fired both of them.

22 Q. Was there a Judge Howsare  
23 involved in this ---?

24 A. Howsare (changes  
25 pronunciation).

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63

1 Q. Howsare.

2 A. He's doing my criminal case.

3 Q. Okay. Did you discuss the  
4 incident with Warden Orr with either  
5 Judge Ling or Judge Howsare?

6 A. I wrote them all numerous times  
7 with various situations, but then, you  
8 know, again, if they feel like writing  
9 back, they do, if not, it mysteriously  
10 just disappears. They have a way with  
11 that in Bedford. If they don't want  
12 to answer something one way or the  
13 other, it just goes unanswered.

14 Q. So you have now --- you  
15 reported this incident to Lieutenant  
16 Clapper, reported this to the  
17 Pennsylvania State Police and the  
18 County Commissioners.

19 A. No, I didn't get through to the  
20 Pennsylvania State Police until they  
21 came on October 15th.

22 Q. Right.

23 A. But that was out of Carlisle.  
24 That wasn't Bedford.

25 Q. Right. But you had spoken with

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64

1 the State Police regarding this  
2 incident?

3 A. Yes, when they came to see me  
4 in regards to this situation.

5 Q. Okay.

6 A. Have you reported the incident  
7 to anybody else or discussed the  
8 incident with any other officials?  
9 For example, Department of Corrections  
10 or any Federal officials?

11 A. Just the medical at SCI Camp  
12 Hill and the medical here.

13 Q. Okay. You never had any  
14 conversations with any officials from  
15 the Pennsylvania Department of  
16 Corrections about Warden Orr?

17 A. You ever see Camp Hill, you'll  
18 see why you don't say nothing to  
19 people. They scream at you even if  
20 you ain't speaking. No, I just spoke  
21 to all medical staff.

22 Q. Okay. I'm just trying to  
23 understand whether, you know, whether  
24 there might be records or other  
25 information. So you didn't speak to

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65

1 any Federal authorities, for example,  
2 the U.S. Attorney's Office or the  
3 Department of Justice?

4 A. No. I did try to file a --- I  
5 wrote Judge Ling about --- let's see  
6 --- about wanting to file a suit  
7 against I think it was either Bedford  
8 or Orr and he wrote me back declining  
9 saying there was no forms for any  
10 complaint like that, trying to brush  
11 me off so I wouldn't pursue nothing.

12 Q. I think you talked about this a  
13 little bit, but I'd just like to kind  
14 of get a little bit more detail. That  
15 would be the medical treatment that  
16 you're receiving here at Graterford;  
17 okay? You were transferred here on  
18 November 9th, 2012; is that correct?

19 A. That's safe to say, yes.

20 Q. Okay. What kind of medical  
21 treatment, if anything, are you  
22 getting for --- you mentioned some  
23 headaches that you had after this.  
24 Are you getting any treatments for  
25 headaches?

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66

1 A. Well, they give you the wonder  
2 drug here, ibuprofen.

3 Q. Are you getting any sort of  
4 treatments or physical therapy for any  
5 injuries to your neck or shoulders?

6 A. I don't think they have any  
7 therapy here.

8 Q. And you mentioned you were  
9 seeing a psychiatrist here for trauma?

10 A. Yes.

11 Q. Okay. According to the  
12 complaint, your psychiatrist's name is  
13 Bratton, B-R-A-T-T-O-N; is that  
14 correct?

15 A. Here?

16 Q. Yes.

17 A. I'm not sure because you might  
18 see one one time and see somebody  
19 else, you know, so I'm not sure if  
20 that's him or not.

21 Q. Okay. The trauma that you're  
22 seeing a psychiatrist for here at  
23 Graterford, is that related  
24 specifically to the incident with Mr.  
25 Orr or is that trauma generally, for

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67

1 example, the trauma of being  
2 incarcerated, the trauma of the  
3 homicide, the trauma of the issues  
4 with the District Attorney, with your  
5 counsel and all that kind of ---?

6 A. It's hard to say because when  
7 they talk to you about something, they  
8 like to ball it all into one so to  
9 speak, so I don't know how they

10 separate it or anything like that  
11 there. You get a limited time with  
12 them. You don't get much time with  
13 them, so as they're asking you  
14 questions, they're putting things  
15 together, so you don't know what, you  
16 know, how they're wrapping it all up.

17 Q. So you sort of discuss a lot of  
18 different issues and they decide how  
19 they feel about certain issues?

20 A. Yes.

21 Q. Did they ever give you a  
22 diagnosis of any sort? Did they ever  
23 diagnose you with any conditions, that  
24 you're aware of?

25 A. No, they don't like giving you

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68

1 no paperwork there. They don't want  
2 you to have nothing on record in your  
3 hands so to speak.

4 Q. Uh-huh (yes). But for example,  
5 we have that condition PTSD, post-  
6 traumatic stress disorder we hear  
7 about soldiers experiencing. Is what  
8 they're treating for something like  
9 that or is it something different?

10 A. It's hard to ---.

11 Q. If you know.

12 A. Yeah, it's hard to explain how  
13 they --- things are done different  
14 here than on the street, per se, you  
15 know. So it's kind of hard to say how  
16 they categorize stuff.

17 Q. Fair enough. Looks like you've  
18 been back to Bedford County on a  
19 couple of occasions for PCRA hearings.

20 A. Yes.

21 Q. Whenever you go back to Bedford  
22 County for PCRA hearings, are you  
23 housed in the Bedford County Jail?

24 A. That depends. One time, I was;  
25 the second time, I wasn't; then this

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69

1 last time, I was. So it just depends  
2 on what the Sheriff's Department's  
3 schedule as far as transportation is.  
4 So it's at their discretion.

5 Q. On the instances where you came  
6 back to the Bedford County Jail after  
7 having arrived here at Graterford,  
8 have you had any other problems at the  
9 Bedford County Jail?

10 A. No.

11 Q. Have you had any other  
12 discussions with any Bedford County  
13 Jail officials about the incident with  
14 Warden Orr?

15 A. I believe the first time I was  
16 back was January 15th, 2013, Baker and  
17 Leighty both reminisced a little bit  
18 on it, you know. They seen me and  
19 stuff, wanted to know how I was doing  
20 and whatnot and was telling me again,  
21 you know, how Warden Orr boasted and  
22 bragged about what he did to me.

23 Q. Do you recall anything else  
24 about those conversations in January  
25 2013 with Officer Leighty or Officer

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70

1 Baker?

2 A. No, I don't recall. Just a lot  
3 of small talk.

4 Q. I understand. Again, this is  
5 all from reading your complaint, you  
6 mentioned you were having problems  
7 with quivering, throat and breathing  
8 problems.

9 A. Uh-huh (yes).

10 Q. Can you tell me what you meant  
11 by that?

12 A. At times, my arms will be like  
13 shaking like they are a little bit now  
14 and without even thinking about, you  
15 know, shaking. Then there's times  
16 like when I lay down, I'll have panic  
17 attacks, you know, like doze back into  
18 like a sleep dream, you know, like see  
19 someone coming up on you and you jump  
20 like that there. I have a lot of  
21 anxiety and chest pains, as well.

22 Q. So it's the nightmares and the  
23 quivering, throat and breathing  
24 problem are all kind of related with  
25 one another?

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71

1 A. Yes.

2 Q. And related to panic or  
3 anxiety?

4 A. Yes, you know, like flashbacks  
5 and things like if I dream like at  
6 night or whatever. I've dreamt  
7 already where he was coming in the  
8 cell, you know, and grabbing ahold of  
9 me and I'd wake up like in a cold  
10 sweat. As far as like neck pain and  
11 back pain is on a daily basis.

12 Q. Your complaint mentions a  
13 concussion. Were you ever diagnosed  
14 with a concussion?

15 A. They told me that it was quite  
16 possible that I had one, but then  
17 again, they run their tests how they  
18 do them here, you know, Camp Hill and  
19 here, so you know. Like I said, I  
20 still have a sore spot to the touch on  
21 the side of my head where I got  
22 wrapped up against the wall and, you  
23 know, I'll be honest with you, as an  
24 inmate here, we don't get the best of  
25 treatment. I mean, we get what we get

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72

1 and that's the end of the day, so I  
2 mean, you just have to learn to deal  
3 with stuff.

4 Q. So to describe where you're  
5 pointing on your head, it appears to  
6 be on the right side of your head?

7 A. Yes, like right ---.

8 Q. Towards the top, sort of behind  
9 your ear?

10 A. Yes, soft spot there because  
11 whenever he come in the cell, you got  
12 to look this way. The doorway there  
13 to my right is how it was to the cell,  
14 so I'm laying in bed and look this way  
15 and whenever he had ahold of me  
16 hitting my head, it was in the back  
17 and on the right hand side.

18 Q. So the spot you were  
19 describing, that's where your head was  
20 touching the wall?

21 A. Yes, yes.

22 Q. I think that's more or less the  
23 things that I wanted to know about  
24 your lawsuit. Let me ask you this.  
25 We talked about a lot of things here

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73

1 today. Is there anything else you  
2 think is important to your lawsuit  
3 that we didn't touch on here today?  
4 Any other important facts or witnesses  
5 or anything of that nature?

6 A. I don't really think there is.  
7 I mean, other than I was trying my  
8 darndest to try to find an attorney,  
9 but since you're incarcerated, nobody  
10 wants to take the case. So I've been  
11 trying to, you know, remember  
12 everything that went on so it would  
13 be, you know, pretty clean and I think  
14 everything went all right as far as  
15 today goes, you know.

16 Q. Okay. Sometimes when we talk  
17 about issues, it will jog your memory  
18 about something else. After having  
19 thought about it and talked about  
20 other issues, is there anything you  
21 want to add to any of your answers  
22 from anything we've talked about here  
23 today?

24 A. No, I think you got everything  
25 straightened out as far as questions

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74

1 go.

2 Q. Okay. Very good. What I'm  
3 going to do is I will take these  
4 authorizations and I will get them to  
5 the prison officials, request copies  
6 of your records. I will make a copy  
7 for me and a copy for you. I'll send  
8 you a copy of that. I may wind up  
9 trying to check into some other  
10 records and I'll give you copies of  
11 whatever I have so that your file is  
12 complete.

13 A. Okay. And like you said, I  
14 mean, it was mandatory I signed them,  
15 so ---.

16 Q. Yes. Uh-huh (yes). Because  
17 your medical condition is at issue.

18 A. Okay.

19 Q. That's the reason. You know,  
20 we need to be able to see, you know,  
21 how your medical condition is because  
22 you're alleging that you're hurt and  
23 that's the reason for it. In the  
24 event that you get a lawyer,  
25 obviously, have him give me a call, in

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75

1 which case I'll deal with him  
2 directly, as opposed to you.

3 A. Right.

4 Q. But otherwise, I'll copy you on  
5 everything, as well.

6 A. Okay.

7 Q. Okay. Thank you, Mr. Gerholt.  
8 I appreciate it.

9 \* \* \* \* \*

10 DEPOSITION CONCLUDED AT 11:34 A.M.

11 \* \* \* \* \*

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76

1 COMMONWEALTH OF PENNSYLVANIA )

2 COUNTY OF BERKS )

3  
4 CERTIFICATE

5 I, Jennifer D. Crawford, a Notary  
6 Public in and for the Commonwealth of  
7 Pennsylvania, do hereby certify:

8 That the witness whose testimony  
9 appears in the foregoing deposition, was duly  
10 sworn by me on said date and that the  
11 transcribed deposition of said witness is a  
12 true record of the testimony given by said  
13 witness;

14 That the proceeding is herein recorded  
15 fully and accurately;

16 That I am neither attorney nor counsel  
17 for, nor related to any of the parties to the  
18 action in which these depositions were taken,  
19 and further that I am not a relative of any  
20 attorney or counsel employed by the parties  
21 hereto, or financially interested in this  
22 action.

23 COMMONWEALTH OF PENNSYLVANIA

24 NOTARIAL SEAL

25 JENNIFER D. CRAWFORD, Notary Public  
Reading, Berks County, PA  
My Commission Expires May 17, 2018

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